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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,664	09/12/2000	Adam G. Southam	1399.001US1	6127
21186	7590	07/15/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402-0938			CHAMPAGNE, DONALD	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/659,664	Applicant(s) SOUTHAM ET AL.	
	Examiner Donald L. Champagne	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2 May 2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-3 and 6-60 are rejected under 35 U.S.C. 103(a) as being obvious over Logan et al. (US005721827A) in view of Ginter et al. (US005892900A) and further in view of Internet Distributors (NPL).
4. Logan et al. teaches (independent claims 1, 30, 51 and 56) a system and method for exposing users to advertisements, the method comprising: obtaining a user specific set of data, *user data 143*, prior to distributing a media package (col. 5 lines 9-19); selecting a number of advertisements from a data bank *135* containing a plurality of advertisements based on the user specific set of data (col. 4 lines 15-27, col. 24 line 1 to col. 25 line 31, and col. 9 lines 41-57); and combining the selected number of advertisements with a requested set of media content to form a media package (*download compilation file 145*), and distributing the media package (col. 5 lines 19-36 and col. 15 lines 35-41).
5. Logan et al. does not teach maintaining a database of distribution restrictions. Ginter et al. teaches maintaining a *database 610 of control and usage related information* (col. 12 lines 11-12, col. 63 lines 36-39 and Fig. 7), which reads on distribution restrictions. Because Ginter et al. teaches a comprehensive system for distributing electronic information while

Art Unit: 3622

protecting rights (col. 2 lines 19-32 and col. 3 lines 18-22), it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add maintaining a database of agreements to the teachings of Logan et al.

6. Neither reference teaches that the distribution restrictions are of syndication broadcast agreements. Internet Distributors teaches distributing syndicated television programming via the Internet, which inherently requires the consideration of distribution restrictions of said television-programming syndication broadcast agreements. Because syndication broadcast agreements are a common programming limitation, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add Internet Distributors to the teachings of Logan et al. and Ginter et al.
7. Logan et al. also teaches (independent claims 9 and 39) an Internet user (col. 1 line 52) and localized data with geographically appropriate advertisements based on the obtained localized data (col. 9 lines 27-29), which, when inherently applied to the Internet, reads on with an appropriate geographic group of advertisements.
8. Logan et al. also teaches (independent claims 19 and 45) that the requested set of media content includes media content which has been previously distributed (col. 13 lines 45-55).
9. Logan et al. also teaches at the citations given above claims 2, 14, 31-34, 37, 52-55 and 57-60. Logan et al. also teaches claims 7 (col. 13 lines 3-20), 8 (col. 10 lines 3-4), 12 (col. 6 lines 48-51, col. 25 lines 4-14), 13, 17-18 and 40 (col. 25 lines 26-31 and col. 9 lines 41-57), 21 (col. 8 line 66), 24 and 43 (col. 14 lines 43-44), 35 (col. 29 lines 63 to col. 30 line 7) and 36 (col. 6 lines 48-51).
10. Internet Distributors teaches (independent claims 25, 47 and 48, and dependent claims 5, 15-16, 23, 26, 28, 42, 46 and 49) syndicated television programming, which inherently reads on a network including a regional broadcast station and syndicated media content.
11. Claims 22, 27, 41 and 50 are taught inherently. All ads must be either regional or national.
12. None of the references teach (claim 6) displaying ads as frames. Because this is the most common means for displaying ads on the Internet, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the display of ads as frames to the teachings of the references cited above.

Art Unit: 3622

13. None of the references teach (claims 10, 29 and 44) a global positioning system. Logan et al does teach a mobile receiver (col. 6 lines 18-32). Because GPS permits more precise geographic targeting of ads and provides the user with other benefits, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add GPS to the teachings of the references cited above.
14. None of the references teach (claims 11, 20 and 38) acquiring user data from an ISP or driver's license databases. Because both are readily available sources of good user characterization data, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the acquisition of user data from an ISP or driver's license databases to the teachings of the references cited above.

Conclusion

15. The following non-patent prior art also teaches transmitting syndicated programming over the Internet: Pennzoil Sponsors, Looksmart, The Rush Limbaugh Show, Shaw and First Entertainment. In addition, Interactive Channel teaches syndicating Internet radio to local broadcasting stations.
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 571-272-6717. The examiner can normally be reached from 6:30 AM to 5 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at donald.champagne@uspto.gov, and *informal* fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 571-273-6717.
17. The examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

Art Unit: 3622

access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

19. **ABANDONMENT** – If examiner cannot by telephone verify applicant's intent to continue prosecution, the application is subject to abandonment six months after mailing of the last Office action. The agent, attorney or applicant point of contact is responsible for assuring that the Office has their telephone number. Agents and attorneys may verify their registration information including telephone number at the Office's web site, www.uspto.gov. At the top of the home page, click on Site Index. Then click on Agent & Attorney Roster in the alphabetic list, and search for your registration by your name or number.

12 July 2005

DONALD L. CHAMPAGNE
PRIMARY EXAMINER

Donald L. Champagne
Primary Examiner
Art Unit 3622